

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VICTOR WOODARD,

Plaintiff,

-v-

9:10-CV-1121

CAPTAIN R. SHANLEY and ALBERT PRACK,

Defendants.

APPEARANCES:

OF COUNSEL:

PRISONERS LEGAL SERVICES OF
NEW YORK

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DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On December 7, 2011, the Honorable David R. Homer, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for judgment on the pleadings be granted and plaintiff's motion for summary judgment be denied. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted in whole.

See 28 U.S.C. 636(b)(1).


Therefore it is

ORDERED that

1. Defendants' motion for judgment on the pleadings is GRANTED; and
2. Plaintiff's motion for summary judgment is DENIED.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.


United States District Judge

Dated: December 29, 2011
Utica, New York.